

Message Text

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PAGE 01 TOKYO 16429 200725Z

12

ACTION AEC-11

INFO OCT-01 EA-11 ISO-00 AECE-00 SCI-06 L-03 TRSE-00

CIAE-00 INR-10 NSAE-00 RSC-01 NSF-04 SPC-03 ACDA-19

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 8861

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EO 11652: NA

TAGS: TECH JA US

SUBJ: ABCC NEGOTIATIONS

REF: STATE 244164

1. SCICOUNS, AEC REP, AND POL OFFICER CALLED ON FONOFF (MATSUURA) ON DEC 18 TO PRESENT DRAFT OF PROPOSED INTER-GOVERNMENTAL ARRANGEMENT FOR ABCC REORGANIZATION. EMBREPS OBSERVED THAT US CONCEPT FOLLOWED JAPANESE DESIRE TO ESTABLISH BINATIONAL INSTITUTE WITH JURIDICAL PERSONALITY UNDER JAPANESE LAW, GOVERNED BY BOARD WITH EQUAL US AND JAPANESE REPRESENTATION. EMBREPS ALSO STRESSED SUCH PROVISIONS AS REQUIREMENT OF MAJORITY VOTE OF EACH SIDE TO APPOINT DIRECTOR, THUS MAKING POSSIBLE EITHER RETENTION OF HIGHLY QUALIFIED DIRECTOR OR ALTERNATION.

2. MATSUURA, OF COURSE, RESERVED GENERAL COMMENT UNTIL FURTHER OPPORTUNITY TO REVIEW, BUT HOMED IN IMMEDIATELY ON PROVISION (ARTICLE XIII) CALLING FOR PRIVILEGES FOR US EMPLOYEES. MATSUURA RSTATED STRONG DESIRE OF FONOFF TO CREATE INSTITUTE WITHIN FRAMEWORK OF EXISTING JAPANESE LAW, RATHER THAN BY TREATY OR SPECIAL LEGISLATION, AND CONTENTED THAT PRIVILEGES FOR US CITIZENS NOT POSSIBLE WITHIN THIS FRAMEWORK, AS WELL AS BEING INCONSISTENT WITH BINATIONAL CHARACTER OF INSTITUTE. HE OBSERVED, HOWEVER, THAT OTHER PROPOSED PROVISIONS, SUCH AS EXEMPTION OF

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PAGE 02 TOKYO 16429 200725Z

INSTITUTE FROM TAXATION AND CUSTOMS DUTIES, ARE PERMISSIBLE UNDER

EXISTING LAW IF SPECIAL APPROVAL OF FINANCE MINISTRY OBTAINED.
STRESSING EXTREME DELICACY OF ABCC ISSUE, MATSUURA TOOK OCCASION
TO DISPLAY JAPANESE PRESS COMMENTS CRITICIZING MINISTRY OF HEALTH
AND WELFARE OFFICIAL SIMPLY FOR STATING THAT GOJ PLANNED TO
NEGOTIATE REORGANIZATION OF ABCC ON BASIS OF EQUAL PARTICIPATION.
CLEAR IMPLICATION OF MATSUURA'S REMARKS WAS THAT EVEN PROPOSAL FOR
EMPLOYEE PRIVILEGES HAD POTENTIAL FOR CREATING ISSUE.

3. EMBREPS DEFENDED PROPOSAL FOR PRIVILEGES FOR US EMPLOYEES AS
JUSTIFIED BOTH ON BASIS OF FAIRNESS (SINCE JAPANESE EMPLOYEES WILL
BE LIVING IN CUSTOMARY SURROUNDINGS, WITH CUSTOMARY SERVICES AND
STAPLES READILY AVAILABLE, WHILE US EMPLOYEES WILL NOT BE); AND,
AS PRACTICAL MATTER, TO ASSIST IN RECRUITING HIGHLY QUALIFIED US
SCIENTISTS, IN WHICH BOTH US AND JAPAN VITALLY INTERESTED. NEVER-
THELESS, IT IS CLEAR THIS PROVISION WILL FACE STRONG OPPOSITON
FROM ELEMENTS WITHIN GOJ AS WELL AS FROM OPPOSITION POLITICAL
PARTIES AND EMBASSY SUGGESTS THAT DEPARTMENT AND AEC EXAMINE
ESSENTIALITY FOR SUCH PRIVILEGES AND POSSIBLE ALTERNATIVES.

4. AS REPORTED IN TOKYO 14063, JAPANESE DEVELOPING OWN CONCEPTS
FOR RESTRUCTURING OF ABCC, BASED ON TWO-COCUMENT APPROACH.
MATSUURA INDICATED PREPARATION THESE DOCUMENTS STILL PROCEEDING.
THUS, JAPANESE RESPONSE TO US DRAFT LIKELY TO TAKE FORM OF
JAPANESE COUNTER DRAFT RATHER THAN CRITIQUE OF US PROPOSAL.
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